

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**HENRY SANTINAC**

**PLAINTIFF**

**v.**

**CASE NO. 1:15-CV-00025-LG-RHW**

**WORLDWIDE LABOR SUPPORT  
OF ILLINOIS, INC., and WAYNE A.  
COOK, JR.**

**DEFENDANTS**

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO  
CONDITIONALLY CERTIFY COLLECTIVE ACTION AND FOR COURT  
APPROVED NOTICE TO POTENTIAL PLAINTIFFS**

Defendants, Worldwide Labor Support of Illinois, Inc. ("Worldwide") and Wayne A. Cook, Jr. ("Cook") (collectively "Defendants"), hereby submit their Response in Opposition to Plaintiff's Motion to Conditionally Certify Collective Action and for Court Approved Notice to Potential Plaintiffs [Dkt. 11], and respectfully request that Plaintiff's motion be denied. In support of its response, Defendants would show the following:

Plaintiff's second bite at this apple should fail like the first. Plaintiff's affidavit and the declaration of another former employee are insufficient by themselves to meet Plaintiff's burden to demonstrate that Defendants had a common policy or plan to violate the FLSA. Plaintiff's affidavit and the new declaration by a former employee *are both poisoned* with inadmissible hearsay.

Even if the Court were to consider conditionally certifying a collective action, the Court should limit the geographic scope and job classification of the proposed class. Plaintiff's inadequate proof fails to justify an unlimited nationwide class action. Certainly, the Court should substantially limit the proposed notice offered by Plaintiff.

For the reasons set forth in their supporting Memorandum, Worldwide Labor Support of Illinois, Inc. and Wayne A. Cook, Jr. request that this Court deny Plaintiff's Motion to Conditionally Certify Collective Action and for Court Approved Notice to Potential Plaintiffs. Defendants request such other relief as the Court deems just and proper.

DATED: May 5, 2015.

Respectfully submitted,

**WORLDWIDE LABOR SUPPORT OF  
ILLINOIS, INC. and WAYNE A. COOK, JR.**

By: /s/ Taylor B. McNeel  
One of Their Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the foregoing document via the Court's ECF System which served a copy upon the following counsel:

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DATED: May 5, 2015.

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